

## REMARKS

### A. Background

Claims 1-15 and 18-24 were pending in the application at the time of the Office Action. The Office Action rejected claims 1-6, 10, 13-15, 18, and 21-24 under 35 USC 112, second paragraph, as being indefinite. Claims 1-4, 10, and 13-15 were rejected as being anticipated and/or obvious over cited prior art. Claims 5, 6, 18, and 21-24 were considered allowable if rewritten to over the rejections under Section 112 and to incorporate the limitations of the claims from which they depended. By this response Applicant has amended claims 1, 6, 15, 18, and 21-24; cancelled claims 2-5, 7-9, 11-12, and 19-20 and added new claim 25. As such, claims 1, 6, 10, 13-15, 18, and 21-25 are presented for the Examiner's consideration in light of the following remarks.

### B. Proposed Claim Amendments

Claim 1 has been amended to incorporate limitations from claims 2, 3, and 5. The other claims have been amended to address antecedence issues. New claim 25 is supported by original claims 1-3 and 5. In view of the foregoing applicant submits that the claim amendments do not introduce new matter and entry thereof is respectfully requested.

### C. Rejection on the Merits

Paragraphs 3 and 4 of the Office Action rejected claims 1-6, 10, 13-15, 18, and 21-24 under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Specifically, the Office Action contends that it is unclear as to whether claim 1 is directed to a single explosive cartridge or a plurality of explosive

cartridges coupled together. Applicant has herein amended claim 1 to clarify that claim 1 is directed to a single modular explosive cartridge that “in use” is “adapted” to couple with “like explosive cartridges.” Accordingly, claim 1 is directed to a single modular explosive cartridge and not a plurality of modular explosive cartridges.

Claim 1 was also rejected in that the phrases “adjacent sealing member” and “respective coupling member” were considered unclear. Applicant has amended the claim language to clarify that these phrases relate to the configuration “during coupling of adjacent charges.” In view of the amendments made herein, applicant respectfully requests that the rejections under Section 112 be withdrawn.

Paragraphs 5 and 6 of the Office Action rejected claims 1-4, 10, 13, and 15 under 35 USC § 102(b) as being anticipated by PCT application no. WO 99/46556 to Brown. Paragraphs 7 and 8 of the Office Action rejected claim 14 under 35 USC § 103(a) as being obvious over the Brown patent in view of U.S. Patent No. 5,410,966 to Dorffler et al. or U.S. Patent No. 5,831,197 to Bill et al. Paragraph 9 of the Office Action states that claims 5, 6, 18, and 21-24 were considered allowable if rewritten to over the rejections under Section 112 and to incorporate the limitations of the claims from which they depend.

Applicant has herein amended claim 1 to incorporate limitations of claim 2, 3, and 5. As such, applicant submits that claim 1 is allowable for at least the same reason that claim 5 was considered allowable in the Office Action.

Claims 6, 10, 13-15, 18, and 21-24 depend from claim 1 and thus incorporate the limitations thereof. As such, applicant submits that claims 6, 10, 13-15, 18, and 21-24 are allowable over the prior art for at least the same reasons as discussed above with regard to claim

1. Applicant also submits that new claim 25 is also allowable over the prior art for substantially the same reasons as discussed above with regard to claim 1.

No other objections or rejections are set forth in the Office Action.

D. Conclusion

Applicant notes that this response does not discuss every reason why the claims of the present application are distinguished over the cited prior art. Most notably, applicant submits that many if not all of the dependent claims are independently distinguishable over the cited prior art. Applicant has merely submitted those arguments that it considers sufficient to clearly distinguish the claims over the cited prior art.

In view of the foregoing, applicant respectfully requests the Examiner's reconsideration and allowance of claims 1, 6, 10, 13-15, 18, and 21-25 as amended and presented herein.

In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Dated this 7<sup>th</sup> day of November 2006.

Respectfully submitted,

/Dana L. Tangren/ Reg. # 37246  
DANA L. TANGREN

Attorney for Applicant  
Registration No. 37,246  
Customer No. 022913  
Telephone No. 801.533.9800

DLT:dfw  
W:\13869\45\DFW\0000020369\001.DOC